

**FILED**

2012 DEC 1 1 DB

**U.S. DISTRICT COURT  
MIDDLE DISTRICT OF TN.**

No.

**Jury Demand    3    1 2 1 289**

## NOTICE OF REMOVAL

Defendant Wal-Mart Stores East, LP, hereby gives notice of the removal pursuant to 28 U.S.C. § 1441 et. seq., of the following action filed against it: Amanda Yager and Stephen Yager v. Wal-Mart Stores East, Inc., in the Circuit Court of Wilson County, Tennessee, No. 2012-cv-634.

Copies of the summons and complaint are attached as Exhibits A and B respectively. According to the complaint, Plaintiffs are citizens and residents of the State of Tennessee.

Wal-Mart Stores East, LP, is the entity that operated the store on the date of this accident. It was incorrectly sued as Wal-Mart Stores East, Inc. Defendant may be referred to as “Wal-Mart” in this document. It is expected that Wal-Mart Stores East, LP, will be substituted as the proper defendant in this matter.

Defendant Wal-Mart Stores East, LP, is a Delaware limited partnership. WSE Management, LLC, a Delaware limited liability company, is the general partner, and WSE Investment, LLC, a Delaware limited liability company, is the limited partner. The sole member of WSE Management, LLC, and WSE Investment, LLC, is Wal-Mart Stores East, LLC, fka Wal-Mart Stores East, Inc., an Arkansas limited liability company. Wal-Mart Stores East, Inc., was converted to an Arkansas

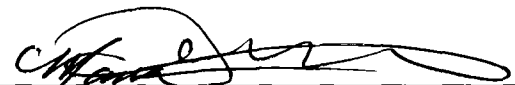
limited liability company on January 25, 2011. The principal place of business for all entities mentioned is 702 SW 8th Street, Bentonville, Arkansas.

Jurisdiction is conferred under 28 U.S.C. § 1332 relating to diversity of citizenship of the parties. The parties are citizens of different states.

The amount in controversy is in excess of the federal jurisdictional requisite of \$75,000. The complaint seeks a judgment against the Defendant "for an award of damages in favor of the Plaintiff and against the Defendants in an amount not less than \$100,000.00," and "for an award of damages in favor of the Plaintiff Stephen Yager and against the Defendant in an amount of \$25,000.00."

Defendant Wal-Mart Stores East, Inc., was served with process on November 13, 2012. Fewer than thirty days have expired since service of process on Defendant. This Notice of Removal is timely filed as set forth in 28 U.S.C. § 1446(b).

**WHEREFORE**, Defendant hereby gives notice of the removal of this action pending in the Circuit Court of Wilson County, Tennessee, to the United States District Court for the Middle District of Tennessee, Nashville Division, and requests that the proceedings be held thereon.



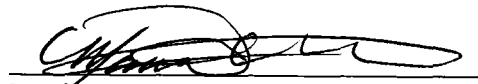
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Attorneys for defendant

## CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served by U.S. mail, postage prepaid, upon:

Donald D. Zuccarello, Esq.  
Marshall McClarnon, Esq.  
THE LAW OFFICE OF DONALD D. ZUCCARELLO  
3209 West End Avenue  
Nashville, TN 37203

On this the 11<sup>TH</sup> day of December, 2012.

  
Maria T. de Quesada

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